
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Stevenson et al.	<i>Examiner:</i>	Sanders, Kriellion Antionette
<i>Serial #:</i>	10/709,578	<i>Art Unit:</i>	1714
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	24 September 2007
<i>Title:</i>	Phenol-Free Phosphites		

MAIL STOP AMENDMENT AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition for Late Claim to Priority

This Petition by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.78(a)(2) and 37 C.F.R. §1.78(a)(5).

Enclosures Contained with this Petition

1. Declaration of applicant's attorney (Exhibit A); and
2. Application Data Sheet (Exhibit B).

Statement of Facts Involved

This pending U.S. patent application Serial Number 10/709,578 was filed on 14 May 2004 without any claim to priority. Through the most recent office action, the applicant's attorney has recognized the issues raised by the examiner, and now wishes to claim priority from an earlier filed application, which disclosed, but did not claim the subject matter of the instant invention. The first appreciation of this facet of the disclosure was through the substantive office action issued by examiner Kriellion Antionette Sanders.

1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000.
2. The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007.
4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.

5. The entire delay between the date of the claim was under under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

Subsequent Actions taken by Applicant's Attorney

Applicant's attorney is submitting herewith an Amendment in response to a pending office action received on the instant matter. The substance of the office action by Examiner Sanders has suggested that a properly filed terminal disclaimer in conjunction with a claim to priority to a commonly owned, previously filed patent application would permit various claims to be in a condition for allowance.

The applicant further submits an Application Data Sheet to further comply with the requirement (Exhibit B).

Points to be Reviewed

Applicant petitions for entry of the late claim to priority in this instant pending patent application.

Action Requested

Applicant petitions for entry of this late claim to priority and entry of the attached Application Data Sheet.

Buckingham, Doolittle & Burroughs, LLP
3800 Embassy Pkwy.
Akron, Ohio 44333
(330) 258-6453 (telephone)
(330) 252-5452 (fax)
Attorney Docket #: 47399.0037

Respectfully Submitted,
Buckingham, Doolittle & Burroughs, LLP

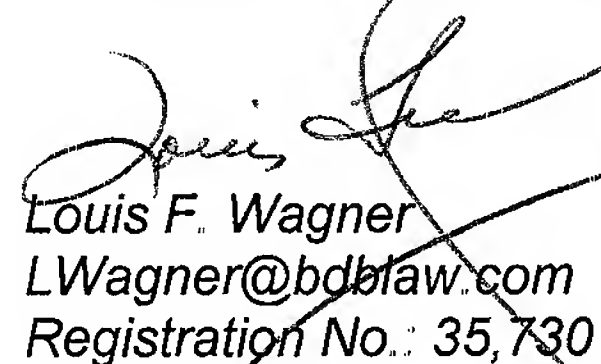

Louis F. Wagner
LWagner@bdblaw.com
Registration No.: 35,730

EXHIBIT A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Stevenson et al.	<i>Examiner:</i>	Sanders, Kriellion Antionette
<i>Serial #:</i>	10/709,578	<i>Art Unit:</i>	1714
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	24 September 2007
<i>Title:</i>	Phenol-Free Phosphites		

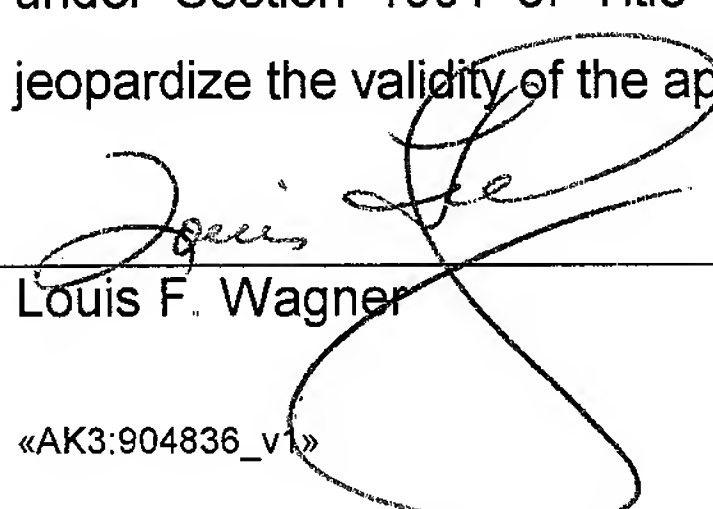
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Alexandria, VA 22313-1450

37 C.F.R. §1.132 Declaration

This Declaration by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.132. I, Louis F. Wagner, declare as follows:

1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000.
2. The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007.
4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.
5. The entire delay between the date of the claim was under under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.



Louis F. Wagner

9/24/2007

Date

EXHIBIT B

PTO/SB/14 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1									
Applicant Authority		<input checked="" type="radio"/> Inventor				<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name		Middle Name		Family Name			Suffix	
Dr.	Donald		R.		Stevenson				
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service									
City	Dover		State/Province	OH	Country of Residence i		US		
Citizenship under 37 CFR 1.41(b) i			US						
Mailing Address of Applicant:									
Address 1		301 Oakdale Drive							
Address 2									
City	Dover				State/Province	OH			
Postal Code		44622		Countryi	US				
Applicant 2									
Applicant Authority		<input checked="" type="radio"/> Inventor				<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name		Middle Name		Family Name			Suffix	
Mr.	Duong		N.		Nguyen				
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service									
City	Dover		State/Province	OH	Country of Residence i		US		
Citizenship under 37 CFR 1.41(b) i			US						
Mailing Address of Applicant:									
Address 1		1114 N. Wooster Avenue							
Address 2									
City	Dover				State/Province	OH			
Postal Code		44622		Countryi	US				
Applicant 3									
Applicant Authority		<input checked="" type="radio"/> Inventor				<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name		Middle Name		Family Name			Suffix	
Mr.	Mark		E.		Harr				
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service									
City	New Philadelphia		State/Province	OH	Country of Residence i		US		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number		DOV-18-US		
		Application Number				
Title of Invention		Phenol-Free Phosphites				
Citizenship under 37 CFR 1.41(b) i		US				
Mailing Address of Applicant:						
Address 1		739 3rd Street, NW				
Address 2						
City	New Philadelphia			State/Province	OH	
Postal Code	44663		Countryi	US		
Applicant 4						
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		
				<input type="radio"/> Party of Interest under 35 U.S.C. 118		
Prefix	Given Name		Middle Name		Family Name	
Mr.	Michael		R.		Jakupca	
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service						
City	Canton		State/Province	OH	Country of Residence i	
				US		
Citizenship under 37 CFR 1.41(b) i		US				
Mailing Address of Applicant:						
Address 1		810 37th Street, NW				
Address 2						
City	Canton			State/Province	OH	
Postal Code	44709		Countryi	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.						
<div>Add</div>						

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).		
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.		
Customer Number	24115	
Email Address		<div>Add Email</div> <div>Remove Email</div>

Application Information:

Title of the Invention	Phenol-Free Phosphites				
Attorney Docket Number	DOV-18-US		Small Entity Status Claimed <input type="checkbox"/>		
Application Type	Nonprovisional				
Subject Matter					
Suggested Class (if any)			Sub Class (if any)		
Suggested Technology Center (if any)					
Total Number of Drawing Sheets (if any)	5		Suggested Figure for Publication (if any)		

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		

Publication Information:	
<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
Customer Number	24115		

Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.					
Prior Application Status		Pending		Remove	
Application Number		Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)
10709578		Continuation in part of		10709510	2004-05-11
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
10709510	Continuation in part of	10086619	2001-03-01	6824711	2004-11-30
Prior Application Status		Abandoned		Remove	
Application Number		Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)
10086619		non provisional of		60315746	2001-08-29
Prior Application Status		Abandoned		Remove	
Application Number		Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)
10086619		non provisional of		60314181	2001-08-16
Prior Application Status		Abandoned		Remove	
Application Number		Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)
10086619		non provisional of		60273303	2001-03-02
Additional Domestic Priority Data may be generated within this form by selecting the Add button.					

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		Application Number	
Title of Invention	Phenol-Free Phosphites		

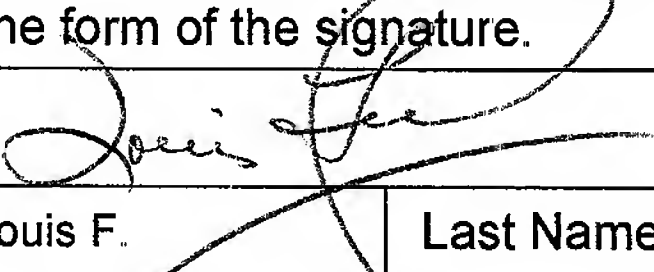
Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.			
Assignee 1			
If the Assignee is an Organization check here. <input checked="" type="checkbox"/>			
Organization Name	Dover Chemical Corporation		
Mailing Address Information:			
Address 1	3676 Davis Road, NW		
Address 2			
City	Dover	State/Province	OH
Country ⁱ	US	Postal Code	44622
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature				Date (YYYY-MM-DD)	2007-09-24
First Name	Louis F.	Last Name	Wagner	Registration Number	35730

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**